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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,816

12/02/2003

Peter Krause

22666

4113

535

7590

05/27/2005

THE FIRM OF KARL F ROSS

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,816	KRAUSE ET AL.	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a strapping connection for a pair of longitudinally extending and transversely overlapping strap ends, classified in class 24, subclass 20EE.
- II. Claims 10 and 11, drawn to a method of joining a pair of longitudinally extending and transversely overlapping strap ends, classified in class 29, subclass 521.
- III. Claims 12-16, drawn to an apparatus for joining a pair of longitudinally extending and transversely overlapping strap ends, classified in class 29, subclass 243.57.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as integrally molding a strap having ends wherein each end has a hook formation integrally molded so as to be extending from the plane of the strap so as to be described as pushed-out from the plane of the strap and there are also transverse lock formations formed in the pair of hook formations; positioning the two strap ends so as to overlap and finally pressing the overlapped ends together so that the pair of hook formation snap engage with each other so as to permit limited movement of the strap ends in one longitudinal direction while the transversely interengaging lock formations fit snugly together and prohibit relative longitudinal movement of the strap ends. Integrally molding the pushed-out hook formations defines a materially different process of

making the connection wherein the hook formations are formed in the strap ends prior to overlapping the strap ends together.

Inventions III and I are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product as claimed can be made by another and materially different apparatus such as 1) an injection molding apparatus comprising a mold made of multiple pieces defining an opening for the insertion of molten material and that when assembled creates a cavity for the formation of a strap having ends wherein each end has a hook formation integrally molded so as to be extending from the plane of the strap so as to be described as pushed-out from the plane of the strap and there are also transverse lock formations formed in the pair of hook formations and 2) a press so that positioning the two strap ends so as to overlap and finally pressing the overlapped ends together so that the pair of hook formation snap engage with each other permits limited movement of the strap ends in one longitudinal direction while the transversely interengaging lock formations fit snugly together and prohibit relative longitudinal movement of the strap ends. This defines a materially different apparatus from the interengaging die and punch having wavy faces and a pin set in one of the tools specifically recited in apparatus claim 12, lines 4-11 “including an interengaging die and punch tools having wavy faces for pushing regions out of the overlapping strip ends a pair of longitudinally extending and interengaging hook formations permitting limited movement of the strap ends in one longitudinal direction and a pin set in one of the tools

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for forming in the pair of hook formations transversely interengaging lock formations fitting transversely snugly together and prohibiting relative longitudinal movement of the strap ends”.

Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as a laser for cutting slits fully through the longitudinally extending and transversely overlapping strap ends thereby forming the cuts through the overlapping ends and also incidentally heating the material of the strap ends and then pushing the cut regions out of the overlapping strip ends by hand to form a pair of longitudinally extending and interengaging hook formation permitting limited movement of the strap ends in one longitudinal direction and forming in the pair of hook formations transversely interengaging lock formations by manipulating the heated material by hand so that they fit transversely snugly together and prohibit relative longitudinal movement of the strap ends. This defines a materially different and non-equivalent apparatus from the interengaging die and punch having wavy faces and a pin set in one of the tools specifically recited in apparatus claim 12, lines 4-11 “including an interengaging die and punch tools having wavy faces for pushing regions out of the overlapping strip ends a pair of longitudinally extending and interengaging hook formations permitting limited movement of the strap ends in one longitudinal direction and a pin set in one of the tools for forming in the pair of hook formations transversely interengaging lock formations fitting transversely snugly together and prohibiting relative longitudinal movement of the strap ends”.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or either for Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Andrew Wilford on May 25, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James R. Brittain
Primary Examiner
Art Unit 3677

JRB